

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

**Akeem Henderson, et al.**

Plaintiffs;

v.

**Willis-Knighton Medical Center**

Defendant.

Case No. 5:19-CV-00163

Judge Elizabeth E. Foote

Magistrate Judge Mark L. Hornsby

Jury Trial Demanded

**RULE 56 MOTION FOR SUMMARY JUDGMENT**

**NOW INTO COURT**, through undersigned counsel, comes Defendant Willis-Knighton Medical Center, hereinafter sometimes referred to as “Willis-Knighton,” which moves this Court for summary judgment on all of Plaintiffs’ claims pursuant to Federal Rule of Civil Procedure 56.

Plaintiffs’ only claim is one of “patient dumping.” A.H., a minor child, was treated in the emergency department at Willis-Knighton South and Center for Women’s Health on February 10, 2018. Plaintiffs claim Defendant violated the *Emergency Medical Treatment and Active Labor Act*, 42 U.S.C.A. § 1395dd, (“EMTALA”) by discharging A.H. from the emergency department after treating and examining her, performing multiple tests, administering medications and monitoring her condition. There is no evidence of “patient dumping” under EMTALA. Plaintiffs do not allege medical malpractice or negligence.

Plaintiffs cannot show that Willis-Knighton failed to conduct an appropriate medical screening examination to determine the existence of an emergency medical condition, or failed to stabilize an emergency condition prior to discharge as required by EMTALA. Plaintiffs further are

unable to prove that A.H. was still suffering from an emergency medical condition at the time of discharge. **The patient was screened, found to have an emergency medical condition, treated in the emergency department, and then discharged home in stable condition.** For the reasons set forth in the attached memorandum, Defendant requests this Court grant summary judgment in its favor, as no genuine issue of material fact exists as to whether an EMTALA violation occurred in this case, and Defendant is entitled to summary judgment as a matter of law.

In support of this Motion for Summary Judgment, Defendant attaches:

A. Affidavit of David Easterling, M.D., with attached curriculum vitae and excerpts of medical records of A.H. from Willis-Knighton.

**WHEREFORE**, Willis-Knighton Medical Center requests that this Court grant its Rule 56 Motion for Summary Judgment, and dismiss all of Plaintiffs' claims with prejudice and at Plaintiffs' cost.

RESPECTFULLY SUBMITTED,

/s/ Lamar P. Pugh

**Lamar P. Pugh**

Louisiana Bar Roll Number. 20070

**Robert G. Pugh, III**

Louisiana Bar Roll Number 36631

**PUGH, PUGH & PUGH L.L.P.**

333 Texas Street, Suite 2100

Shreveport, Louisiana 71101

Telephone: 318-227-2270

Telecopier: 318-227-2273

[lamar@thepughlawfirm.com](mailto:lamar@thepughlawfirm.com)

/s/ Robert W. Robison, Jr.

**Robert W. Robison, Jr.**

Louisiana Bar Roll Number 24630

**Shelby L. Giddings**

Louisiana Bar Roll Number 38232

**WATSON, BLANCHE, WILSON & POSNER, LLP**

505 North Boulevard

Baton Rouge, Louisiana 70821

Telephone: 225-387-5511

Fax: 225-387-5972

[rrobison@wbwplaw.com](mailto:rrobison@wbwplaw.com)

*Attorneys for Defendant Willis-Knighton*

*Medical Center d/b/a Willis-Knighton South*

**CERTIFICATE OF SERVICE**

The foregoing has been provided to opposing counsel electronically via the CM/ECF/PACER system, on this 20<sup>th</sup> day of April, 2020

/s/ Robert W. Robison, Jr.

Robert W. Robison, Jr.